IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

NO. 4:11-CR-87-FL-1 NO. 4:20-CV-39-FL

TORRICK JOHNTRELLE RODGERS,)	
Petitioner,)	ORDER
v.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter is before the court following remand from the United States Court of Appeals for the Fourth Circuit. On March 3, 2020, the court dismissed petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 as an unauthorized successive habeas petition. Petitioner appealed the court's order. On May 5, 2020, the court entered indicative ruling recognizing that the March 3, 2020, order was erroneous and stating that the court would reopen petitioner's § 2255 motion for decision in the event the Fourth Circuit remanded the case. On May 8, 2020, the Fourth Circuit issued per curiam opinion vacating the March 3, 2020, order and remanding for further proceedings. The mandate issued on June 15, 2020.

For the reasons set forth in the court's May 5, 2020, order and the Fourth Circuit's opinion, petitioner's motion to vacate his sentence, filed February 25, 2020, and docketed March 2, 2020, is REOPENED for decision. The clerk is DIRECTED to modify the docket to reflect that the March 3, 2020, order is VACATED. The government is DIRECTED to file an Answer, pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion to vacate within **40 days** of the filing of this order.

The court also finds the interests of justice would be served by appointing counsel for petitioner. Accordingly, the Federal Public Defender is DIRECTED to oversee appointment of counsel to represent petitioner for purposes of the instant § 2255 proceedings. The court requests that appointed counsel file response to any dispositive motion filed by respondent.

SO ORDERED, this the 16th day of June, 2020.

LOUISE W. FLANASAN United States District Judge